

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

SAGE EL,

Petitioner,

v.

21-CV-0098-LJV
ORDER

EDWARD BURNETT, *Superintendent of
Fishkill Correctional Facility, et al.*,

Respondents.

The *pro se* petitioner, Sage El, is a prisoner incarcerated at the Fishkill Correctional Facility ("Fishkill") in Beacon, New York. He seeks relief under 28 U.S.C. § 2254, alleging that his conviction in New York State Supreme Court, Kings County, was unlawfully obtained. Docket Item 1. He has paid the \$5.00 filing fee.

For the reasons that follow, this Court transfers the matter to the United States District Court for the Eastern District of New York.

Under 28 U.S.C. § 2241(d),

[w]here an application for a writ of habeas corpus is made by a person in custody under the judgment and sentence of a State court of a State which contains two or more Federal judicial districts, *the application may be filed in the district court for the district wherein such person is in custody or in the district court for the district within which the State court was held which convicted and sentenced him* and each of such district courts shall have concurrent jurisdiction to entertain the application. The district court for the district wherein such an application is filed in the exercise of its discretion and in furtherance of justice may transfer the application to the other district court for hearing and determination.

Id. (emphasis added). Fishkill is located within the Western District of New York, and New York State Supreme Court, Kings County, is located within the Eastern District of New York. Venue therefore properly lies in either district.

This Court nevertheless finds that transferring this matter to the Eastern District of New York would be “in furtherance of justice.” See *id.* All records relating to El's underlying criminal conviction, and presumably any witnesses other than El who might testify at a hearing, are located in the Eastern District, making that district a more convenient venue. See *Braden v. 30th Judicial Circuit Court of Ky.*, 410 U.S. 484, 499 (1973).

ORDER

In light of the above, IT IS HEREBY ORDERED that the Clerk of the Court shall transfer this matter to the United States District Court for the Eastern District of New York.

SO ORDERED.

Dated: April 9, 2021
Buffalo, New York

/s/ Lawrence J. Vilardo
LAWRENCE J. VILARDO
UNITED STATES DISTRICT JUDGE